

REMARKS

Claims 1, 4, 6, 8, 10, 12, 14-17, 24, 35-40 are now pending in the application. Claims 2, 5, 7, 9, 11, 13, and 19-23 are cancelled by this amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

SPECIFICATION

Applicant notes the proper arrangement of dependent claims but understands that the Examiner is not requiring that the claims be renumbered at this time.

REJECTIONS UNDER 35 U.S.C. § 102

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Chang (U.S. Pat. Pub. No. 2004/0208587 A1; "Chang"). This rejection is respectfully traversed.

Applicant believes that the invention as recited in independent Claim 1 (hereinafter referred to as "the present invention") is distinguishable from Chang. Of note, claim 1 recites that the determining unit "determines autonomously whether the optical node device itself is an optical node device that implements 3R relay when setting an optical path passing through the optical node device itself". Regarding the claimed determining unit, the Examiner points out FIG. 3 and an engineering block 20 of Chang. However, even referring to the entire disclosure of Chang, such a distinctive structure of the present invention is neither disclosed nor suggested in Chang.

For example, in FIG. 6a and FIG. 6b of Chang as well as their relevant explanation (e.g., paragraph [0032]), if a node p is a cell member of a photonic cell m (i.e., the photonic cell to which a node m belongs), it is determined that OEO is not required at a node n ; otherwise, it is determined that OEO is required at the node n because optical signals cannot reach the node p photonically. It should be noted that these determinations are performed by the node m . Therefore, Chang merely discloses that the node m determines whether or not OEO is required at the node n , which is the next node of the node m (i.e., a node in the forward direction, that is, a downstream node). Chang does not disclose or suggest that the node m determines autonomously whether or not the node m itself is a node that implements OEO.

The foregoing argument against FIG. 6a and FIG. 6b of Chang can also apply to FIG. 7 of Chang and its relevant explanation (e.g., paragraphs [0033] and [0034]). Specifically, in FIG. 7 of Chang, it is merely determined whether or not regeneration is required at a furthest node (i.e., a node in the forward direction, that is, a downstream node) at which a signal can arrive photonically from a source node (i.e., an upstream node) without performing regeneration. For example, Chang merely determines that regeneration of an optical signal is required at a node 6, which is the furthest node at which a signal can arrive photonically from a node 1. In this case, the node 1 determines the necessity of regeneration at the node 6 based on a node list which is stored in the node 1 and which registers nodes 2, 1, and 6. Therefore, similar to FIG. 6a and FIG. 6b of Chang, the foregoing distinctive feature of the present invention is neither disclosed nor suggested in FIG. 7 of Chang.

Applicant further contends that this distinctive feature is not an obvious variant from the teachings of Chang. Chang is deficient in various reasons. For example, in Chang, a node which has determined the necessity of regeneration is required to notify this fact to a node at which regeneration is to be performed. Or else, in Chang, the node which has determined the necessity of regeneration is required to advertise that fact to all the nodes. In contrast, since the optical node device of the present invention determines autonomously whether the optical node device itself is an optical node device that implements 3R relay, it is not necessary to perform the foregoing processes as required in Chang. As a result, the present invention can avoid an increase in load due to such processes.

For at least these reasons, Applicant asserts that pending claim 1, along with claims depending therefrom, define patentable subject matter over Chang. Accordingly, Applicant requests reconsideration and withdrawal of the rejections.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 24 and 35-40 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant elects to defer rewriting these claims until the Examiner has had the chance to consider the arguments presented herein.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests

that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: February 3, 2009

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